

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

In Re: Case No. 1:10 MD 2196

Polyurethane Foam Antitrust Litigation O R D E R

This document related to: ALL CASES JUDGE JACK ZOUHARY

This Court conducted a Status Phone Conference on the record on November 18, 2011.

Pending before this Court are two motions. Defendants' Motion to Dismiss Counts II, III and IV (Case No. 11 PF 10011, Doc. No. 40) is fully briefed (Doc. Nos. 57–58) and this Court will issue a decision in December. Also pending is Plaintiffs' Motion for Preliminary Approval of Settlement (Doc. No. 293). This has been opposed by Defendants (Doc. No. 301) and any reply is due by **December 5, 2011.**

Discovery is ongoing, and this Court addressed a discovery dispute brought to this Court's attention by letters dated November 16 and 18, 2011. The dispute involves whether Defendants are required to produce documents and discovery responses which are under seal in the Urethane MDL pending in Kansas (MDL No. 1616). Plaintiffs ask this Court to follow an earlier Order approving release of documents from that case which are under a Protective Order. After extended discussion, this Court ordered that the parties utilize a two-step process. First, Plaintiffs shall obtain approval from the Kansas court for release of documents under seal and for potential use in the litigation pending in this Court. Second, if the Kansas court approves of this Court's access to those

documents, this Court will address whether those documents are appropriate for release (and to whom) pursuant to the guidelines of Federal Civil Rule 26(b).

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

November 21, 2011